

REMARKS

The present Amendment is in response to the Office Action having a mailing date of October 1, 2003. Claims 1-48 are pending in the present Application. Applicant has amended claims 1, 8, 15, 16, 17, 23, and 30. Applicant has also canceled claims 35-48 and added claim 49. Consequently, claims 1-35 and 49 remain pending in the present Application.

Applicant has amended claims 1, 8, 15, and 16 to more clearly recite that communication is established with the portable digital imaging device prior to determining whether the type of attachment being sent matches one or more of the types of attachments that can be received by the portable digital imaging device. Support for the amendment can be found in the specification, page 11, lines 11-16 and page 12, lines 11-15. Applicant has amended claims 17, 23, and 30 to recite that it is determined whether to accept the attachment using the email message and prior to the attachment being accepted. Support for the amendment can be found in the specification, page 16, lines 3-15. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner required that Applicant affirm the provisional election of claims 1-35. Applicant hereby affirms the election of claims 1-35, with traverse. Applicant has, therefore, canceled claims 36-48.

In the above-identified Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1-35 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,937,160 (Davis) in view of U.S. Patent No. 6,275,882 (Cheever).

In the above-identified Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim

the subject matter which Applicant regards as the invention. In particular, with respect to claims 1-16, the Examiner indicated that it was not clear how the determination of the type(s) of attachments allowed by the portable digital imaging device matches the type(s) of the attachment(s) to the email message. In claim 8, the Examiner indicated that the word “device” should be inserted after the word “imaging” in line 1. With respect to claims 17, 23, and 30, the Examiner indicated that it appears that the portable digital imaging device would have to receive and accept the attachment before examining the attachment to determine the proper type.

Claims 1, 8, 15, and 16 have been amended to indicate that the determination of whether the attachment type(s) match one or more of the type(s) of attachment allowed by a portable digital imaging device after communication has been established with the portable digital imaging device. Thus, the types of attachment(s) allowed by the portable digital imaging device can be determined. Note, however, that there is no requirement that the communication be maintained with the portable digital imaging device throughout the method and computer-readable medium recited in claims 1 and 16, respectively, or all of the tasks provided using the servers recited in claims 8 and 15. Applicant has amended claim 8 to insert the word “device” after the term “imaging.” Applicant has also amended claims 17, 23, and 30 to recite that it is determined whether the type of attachment(s) for the digital imaging device match the attachment(s) allowed by the portable digital imaging device using the email message and prior to completion of acceptance of the attachment. Thus, the portable digital imaging device need not accept and receive the attachment and examine the attachment to determine whether the attachment type is allowed by the portable digital imaging device. Consequently, Applicant respectfully submits that claims 1-35 are clear and definite. Accordingly, Applicant respectfully submits that the Examiner’s rejection under 35 U.S.C. § 112 has been addressed.

The Examiner also rejected claims 1-35 under 35 U.S.C. § 103 as being unpatentable over Davis in view of Cheever.

Applicant respectfully traverses the Examiner's rejection. Claim 1 recites a method for allowing a portable digital imaging device to receive an attachment associated with an email message. The portable digital imaging device allows a first type of attachment. The attachment associated with the email message is described a second type. The method recited in claim 1 includes the steps of determining whether the first type is the same as the second type prior to sending the attachment to the portable digital imaging device and after communication has been established with the portable digital imaging device. In a preferred embodiment, this step can be performed by reading the email message, determining whether headers associated with attachment(s) are included, and determining the type of attachment. Specification, page 10, lines 2-6. If the first type is the same as the second type, then the attachment is provided to the portable digital imaging device. Otherwise, the attachment is refused to be provided to the portable digital imaging device. Claims 8, 15, and 16 recite analogous server and computer-readable medium claims.

Thus, using the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16, only those attachments that can be recognized or used by the portable digital imaging device are sent to the portable digital imaging device. Specification, page 10, lines 16-17. The portable digital imaging device will not consume its resources, such as battery power, unnecessarily. Specification, page 10, lines 17-19. Further, the user's time is not consumed unnecessarily. Specification, page 10, lines 19-22. In addition, unnecessary traffic generated by including attachments that cannot be read by the receiving portable digital imaging device may be reduced.

Davis in view of Cheever fails to teach or suggest a method, server, or computer readable medium in which the attachment type(s) of the portable digital imaging device (another device) are compared to the attachment type(s) of the email before being sent and in which the attachments are not provided to the digital imaging device, preferably from a server, if the attachment type(s) do not match the type(s) allowed by the portable digital imaging device. The cited portion of Davis indicates that a server only accepts attachments of a predetermined type. Davis, col. 4, lines 6-19. Thus, Davis teaches that the *server* will refuse to *accept* certain attachments based upon the type of attachment as identified using the suffixes of the attachments. Davis, col. 4, lines 7-11. The cited portion of Cheever indicates that a portable digital imaging device can send or receive email messages.

Although the server of the cited portion of Davis can accept certain attachments and not others, Applicant has found no mention in the cited portion of Davis of refusing to *send* attachments based on the types of attachments allowed by the recipient. Stated differently, in order for the server of the cited portion of Davis to function, the server apparently queries its own allowed attachments and compares these to the files that are attachments to certain emails received by the server. In contrast, the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16, compare the attachment type(s) allowed by *another* device (the portable digital imaging device) to the attachment type(s) of the email. The method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16 then may refuse to *send* attachments to recipients based upon the comparison. Thus, Davis fails to teach or suggest comparing the attachment type(s) allowed by *another* portable digital imaging device to the attachment type(s) for the email and refusing to *send* the attachments to recipients based upon the comparison.

The citation of Cheever fails to remedy the defects of the cited portion of Davis. The cited portions of Cheever merely discuss using a digital imaging device for email. Applicant has failed to find mention in the cited portions of Cheever of refusing to send attachments based on the types of attachments allowed by the recipient. Any combination of the cited portions of Davis and the cited portions of Cheever, therefore, fail to teach or suggest comparing the attachment type(s) allowed by *another* portable digital imaging device to the attachment type(s) for the email and refusing to *send* the attachments to recipients based upon the comparison. Consequently, Davis in view of Cheever fail to teach or suggest the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16. Accordingly, Applicant respectfully submits that claims 1, 8, 15, and 16 are allowable over the cited references.

Claims 2-7 and 49 and claims 9-14 depend upon independent claims 1 and 8, respectively. Consequently, the arguments herein apply with full force to claims 2-7, 9-14, and 49. Accordingly, Applicant respectfully submits that claims 2-7, 9-14 and 49 are allowable over the cited references.

Claim 17 recites a method for allowing a portable digital imaging to receive an attachment associated with an email message. The portable digital imaging device utilizes the email message to determine whether the second type of the attachment associated with the email message is the same as a first type of attachment allowed by the portable digital imaging device prior to acceptance of the email message being completed. If the types match, then the attachment is accepted. Otherwise, receipt of the attachment is terminated. Claims 23 and 30 recite an analogous portable digital imaging device and computer-readable medium.

As described above, the cited portion of Davis describes a system in which “only files of a predetermined type . . . are accepted by the server.” Davis, col. 4, lines 11-13. However, the cited portion of Davis does not describe determining whether the type attachments associated

with the email message match certain allowed attachments using the email message. Further, the cited portion of Davis merely states that only certain types of attachments are accepted by the server. The cited portion of Davis does not indicate how this might be accomplished. In particular, Applicant can find no mention in the cited portion of Davis of terminating receipt of the attachment if the type of the attachment does not match an allowed type. Moreover, the cited portion of Davis relates to a server, rather than a device which, among other things, is capable of providing digital images. Thus, Davis fails to teach or suggest the method, portable digital imaging device, and computer-readable medium recited in claims 1, 23, and 30, respectively.

The cited portion of Cheever fails to remedy the defects of the cited portion of Davis. The cited portion of Cheever merely indicates that the portable digital imaging device can transmit images and uniform resource locators (URLs) via the Internet. Applicant can find no indication in the cited portion of Cheever that receipt of the attachment is terminated if the attachment type does not match an allowed attachment type. Consequently, if the teachings of Cheever are added to those of Davis, the combination would still fail to determine whether the type attachments associated with the email message match certain allowed attachments using the email message. Further, the combination fails to teach or suggest terminating receipt of the attachment if the type of the attachment does not match an allowed type. Consequently, Davis in view of Cheever fails to teach or suggest the method, portable digital imaging device, or computer-readable medium recited in claims 17, 23, and 30. Accordingly, Applicant respectfully submits that claims 17, 23, and 30 are allowable over cited references.

Claims 18-22, 24-29, and 31-35 depend upon independent claims 17, 23, and 30, respectively. Consequently, the arguments herein apply with full force to claims 18-22, 24-29, and

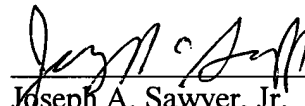
31-35. Accordingly, Applicant respectfully submits that claims 18-22, 24-29, and 31-35 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
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Date



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